

REMARKS

Claims 1-11 are rejected. Claims 1 and 9 have been amended. Claim 10 has been cancelled. Claims 12-14 are newly added. Claims 1-9 and 12-14 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

The basis for newly added claims 12-14 can be found in paragraph [0014] of the specification.

Claim Objections:

On page 3 of the Office Action dated January 5, 2009, the Examiner has objected to claims 1 and 9. Applicant appreciates the Examiner calling attention to these informalities and, has made appropriate correction.

Rejection under 35 U.S.C. § 112:

On page 3 of the Office Action dated January 5, 2009, the Examiner has rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has removed the narrow recitation of "0.001 to 10" thereby removing any indefiniteness. As such, it is believed that this rejection is now moot.

Rejection under 35 U.S.C. § 103(a) over Mowrey-McKee et al. in view of Yanovskaya:

On page 4 of the Office Action dated January 5, 2009, the Examiner has rejected claims 1-4 and 7-11 under 35 U.S.C. § 103(a), as being unpatentable over Mowrey-McKee et al. (US 5,817,277) in view of Yanovskaya et al. (Effect of Low-Dose Emoxypine and Pyridoxine Hydrochloride on Human Cataract and Glaucoma, 1993). Applicant has amended the claims to remove pyridoxine thereby rendering this rejection moot. Therefore, it is respectfully requested that this rejection be withdrawn.

As noted on page 5 of the Office Action dated January 5, 2009, Mowrey-McKee et al. does not teach the use of Vitamin B. The Examiner indicates that Yanovskaya et al. teaches the

use of pyridoxine for the treatment of cataracts, glaucoma, keratitis and inflammatory eye diseases. However, Yanovskaya et al. does not teach or suggest the use of the specific preservative enhancers presently claimed. Therefore, it is urged that neither Mowrey-McKee et al. nor Yanovskaya et al. teach or suggest all of the claimed limitations.

Claims 2-8 and 11-14 benefit from dependency of claims 1 and 9, which as discussed above, is patentable. As the references fail to teach or suggest all of the claimed limitations, it is respectfully requested that this rejection be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) over Mowrey-McKee et al. in view of Yanovskaya:

On page 6 of the Office Action dated January 5, 2009, the Examiner has rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Mowrey-McKee et al. in view of Yanovskaya, and further in view of De Bruiji et al. (US 6,162,393). As claims 5 and 6 benefit from dependency of claim 1, which is patentable as discussed above, it is respectfully requested that this rejection be reconsidered and withdrawn.

Double Patenting:

On page 7 of the Office Action dated January 5, 2009, the Examiner has provisionally rejected claim 10 under 35 U.S.C. § 101 as claiming the same invention as that of claim 11 of copending Application No. 11/620318. On page 9 of the Office Action dated January 5, 2009, the Examiner has further provisionally rejected claims 1-11 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-14 of copending Application No. 11/620318. As these are provisional rejections Applicant will consider filing a terminal disclaimer upon the indication of allowable claims.

Conclusion:

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

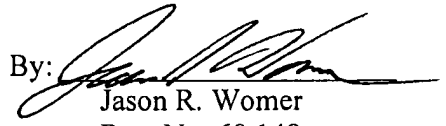
Applicant appreciates the opportunity to call the Examiner but believes that this amendment to the claims and the foregoing remarks fully address the issues raised by the

Examiner. On the other hand, the Examiner is invited to call the undersigned attorney if he has any matters to address that will facilitate allowance of the application.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorize that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,

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